

**Benton County TAC MEETING**  
**Minutes June 1, 2011**

Present:	Staff:
Mark Curtis	Elizabeth Bowen
Lane Gurel	Ronette Bachert
Cindy Jones	Harmony Linton
Ken Knight	
John Pate	

The meeting was called to order at 6:00 PM June 1, 2011 by Chairman Lane Gurel. Harmony Linton introduced herself to the board.

Roll call was taken: Mark Curtis, Lane Gurel, Cindy Jones, Ken Knight and John Pate were present. Starr Glenn and Jim Cole were absent.

**New Business:**

**Item 1: JP District 01, End of the Road Acres, presented by Bruce and Barbara Sloan, 21401 Sloan Hollow, Garfield, AR.** The Sloan's asked for a variance from the fee.

- Mr. Gurel asked if the Sloan's wanted a waiver of review of the business, or a waiver of review of the business with variance of the fee.

- Mrs. Sloan stated that they were unaware that they needed a small business permit when they opened the business. They have state tax ID, federal tax ID, and thought they had done everything they needed to do and were unaware they needed a business permit until the business was inspected.

- Mr. Gurel asked how long the Sloan's had been in business. It was answered, three years. Mr. Gurel then asked for comments from the staff.

- Ms Bowen answered that there were letters of support from two adjoining neighbors, a former student, and from a real estate agency. It was stated that there is also a complaint from a neighbor that is not adjoining.

- Ms Bachert stated the complaint stems from safety concerns, and that no complaint was issued because of noise. She stated that there were many safety precautions in place. It is classified as a home business. She was really impressed by it. In unincorporated areas of the county, you can shoot as long as you know where the bullets are going.

●Mr. Curtis made comment that it didn't matter how well managed the business is. The issue is that there has been a request for variance of fees and we have not been shown that there is a hardship. A financial hardship does not matter.

●Mr. Sloan stated that he had already obtained the permits to build his buildings and feels he will be paying twice if he has to pay the business fee.

●Mr. Gurel stated that the board must look at the business and decide on the fee even though it already exists. The board needs to hear a reason for waving the fee other than financial hardship. The business needs to be reviewed for approval.

●Mr. Pate asked what hours of the day that shooting occurs. It was answered the classes are between one and three o'clock in the afternoon. There are classes that will last up until five o'clock. There is an average of one class a month and the business is closed October and November.

●Mr. Curtis asked how many students are on the property at one time. It was answered 14.

●Mr. Knight asked how many people can fire at the same time. It was answered that there are five outdoor pistol stands, four indoor pistol stands and a rifle range.

●Mr. Gurel asked if there were any procedures in case of an accident. Mr. Sloan answered that he had gone to medical school to become a doctor, he was an EMT, a paramedic, and feels he is very qualified as a first responder in case of an accident.

●There were no further comments made. The Sloan's will return for the Planning Board meeting in two weeks.

## **Old Business:**

### **Item 1: JP District 13, T-Mobile Wireless Communication Tower, presented by Rex Currie, Selective Sites Consultants, 8500 W 110<sup>th</sup> Street, Overlandpark, KS 66210.**

●Mr. Gurel stated that Mr. Currie was asked to come back to answer questions about the tower, how they fall, for a variance in the 50' setback from the tower to the road asked for.

●Mr. Currie gave a slide presentation of the tower site and presented new maps with contour lines to show the flood plain.

●Mr. Gurel asked if the tower were to be moved 50' from the road, if the tower would then be in the flood plain. Mr. Currie answered yes. The tower would also be going down hill and it would lose height.

- Mr. Currie stated that T-Mobile does not order their towers from the engineer until they have received zoning approval. He stated they will have a tower designed with a fall radius and would like to have approval of the application with the condition that tower is designed with a fall zone radius, which would be a third of the distance from the top.

- Mr. Knight stated that he has concerns one is that the tower is close to the flood plain. Water and moisture are in the ground. The second is that he has seen monopoles fall where the base pulls out of the ground and the tower falls. He would like to see a setback of at least 10 to 20 feet.

- Ms Jones stated that dropping the tower back 50 feet would only drop the height of the tower four feet and it would still be out of the flood plain. She stated that there is room to move the tower back, but it would cost more to do that with extra dirt work and fill.

- Ms Jones asked if the tower needed to be a certain distance from the flood plain, and Mr. Currie said that he didn't know.

- Ms Bachert stated that it is a good idea to have a setback from a flood plain.

- Mr. Knight said there needed to be a setback. The tower needs to be moved back, even 30 feet.

- Mr. Currie suggested that the tower may be moved to the back of the compound.

- Mr. Gurel said that it would come down to a yes, no vote, whether to wave the 50 foot setback, or keep the 50 foot setback in place.

- Mr. Currie asked if there was a setback distance that he could take back to the engineers to look at. Mr. Gurel stated that he was not qualified to give a set distance.

Mr. Currie will return in two weeks for the Planning Board meeting.

**Item 2: JP District 13, Osage Creek Pavilion and Performing Arts, Logan Cave Rd, Benton County, AR, presented by Tim Sorey.**

- Mr. Sorey stated that he supplied the board with an update and a request. Mr. Sorey gave a brief history of the amphitheater. Opening date will now be in August instead of July 3<sup>rd</sup>. (Mr. Sorey discussed the project)

- Mr. Gurel asked if there was a request being made from the November project from nine buildings to five buildings. Mr. Gurel and Mr. Sorey discuss buildings and the approval from November. Mr. Gurel would like to review approval of November meeting. Mr. Sorey explains changes to buildings.

- Mr. Gurel then asked about the parking lot approvals from Phase I.

- Mr. Gurel asked Mr. Sorey to discuss the parking development process. Mr. Sorey stated they are going to keep the ADA and the VIP parking area paved and make the overflow parking and bus area gravel. Mr. Gurel clarified that the parking area in phase I will be the parking area in Phase II. Mr. Sorey answered that the area was to be grass parking but will now be gravel. There will still be grass overflow parking to the south. (site visit: the overflow parking is now gravel-approx. 3' deep gravel) Mr. Sorey explains parking development.

- Mr. Knight said he can see parking for 1,800 people in the asphalt area, leaving roughly 3,000 people in the overflow area. Not normal parking area in the south parking area. Mr. Storey stated that they still want to use busses and have people park off site.

- Mr. Gurel discussed the phasing of the project (I and II). Mr. Sorey clarified. Mr. Gurel: Phase II is not part of what we approved.

- Mr. Gurel (at this time) further clarified that the board was voting on a revised version of Phase I.

- Mr. Gurel then asked what permits they had. Mr. Sorey stated they have a permit for the stage, and has pulled back the permit for the ticket booth until architectural approval. There are also two mechanical building permits.

- Mr. Knight asked about bleacher seating. Mr. Sorey stated that permits for the stage and (fixed) bleacher area were already obtained. Lighting in this area? Mr. Sorey explains.

- Ms Jones asked when is phase II of the parking lot planned for. Mr. Storey answered that they will probably go through the first season with phase 1 and start phase 2 late this year or next year.

- Mr. Gurel stated that there are still several things outstanding from the original submittal. Mr. Gurel said it does not make sense to him on making approvals to something different. The submittal should be completed from last November first before a new approval is made. Mr. Sorey explains. He said they have an updated SWPPP etc. copy will be provided to staff. Mr. Gurel will review for all submittals to staff.

- Mr. Gurel stated that they would need approval from the Health Department for porti-poties and bottled water.

Mr. Curtis: a plan for safety was requested, traffic, medical. Mr. Sorey states this is in the mass gathering document and should be submitted to you all. Mr. Curtis: use of county personnel, road department, sheriff's office etc. needs assurance.

●Mr. Knight asked about a plan for safety. Mr. Sorey stated that Greg Smith is working on safety aspects, concerning 'mass gathering'. Mr. Sorey stated he would get packets of information out to everybody.

● Mr. Knight: We need a point of contact for this project – project manager. Mr. Sorey made an excuse for Mr. Smith not being in attendance for the meeting and sends his apologizes. Mr. Gurel discussed the need for a written mass gathering document to be prepared and submitted. Mr. Sorey is suggesting that they submit to the Dept of Health for the mass gathering permit and submit it to the Board. In discussion with Dept of Health and Mr. Smith, Mr. Sorey, and staff. Maybe Caroline could come in next week or sometime and Mr. Smith will also be here to discuss. (Discussed by Mr. Sorey).

- Mr. Sorey - He is here to discuss any issues and be able to pull the building permit. He is looking for a Phase I approval with the changes.
- Mr. Ken Knight wants the Project Manager present (Mr. Smith).
- Mr. Gurel: Traffic control issues (discussed).
- Mr. Gurel said he would see Mr. Storey in two weeks.

Discussion about the bridge that was washed out.

A meeting was set up for Monday, June 6, 2011 at 10:00 am at the Planning Office for discussion on the 'Planning Development Ordinances'.

The meeting was adjourned at 8:00 pm.